



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/729,285 | 12/05/2003 | Jeffrey Dean Lindsay | KCC-15,484.1 | 1600 |

7590 03/23/2006

Mark D. Swanson
Pauley Peterson & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, IL 60195

EXAMINER

SCHATZ, CHRISTOPHER

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1733

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,285

Applicant(s)

LINDSAY ET AL.

Examiner

Christopher T. Schatz

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-7, and 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike et al. (EP 0665315) in view of Alper et al. '822 for the same reasons as set forth in paragraph 5 of examiner's office action dated October 17, 2005.
3. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike et al. in view of Alper et al. as applied to claims 1-3, 6, 7, and 9-24 above, and further in view of Scoot et al. (2002/0032421) for the same reasons as set forth in paragraph 6 of examiner's office action dated October 17, 2005.

Response to Arguments

The 35 U.S.C. 112 rejections have been withdrawn in light of applicant's amendments. Applicant's arguments with respect to the references have been fully considered but they are not persuasive. Applicant states that Pike et al. is not directed to an absorbent web, but rather that the thermoplastic fibers disclosed are nonabsorbent. Examiner acknowledged in the previous office action that Pike et al. does not explicitly disclose absorbent (i.e. cellulosic fibers) fibers.

Art Unit: 1733

However, examiner asserts that Pike et al. contemplated that the disclosed molded web can be used as an absorbent web. Applicant is referred to page 8, line 35, which discloses that the web contains "water-absorbent particles." Furthermore, Pike also discloses that the web is useful for fluid containment layers for incontinent adult care products. Thus, examiner asserts that one of ordinary skill in the art would have readily understood the web of Pike et al. to be an absorbent web. Since the use of cellulosic fibers in absorbent webs is well known in the art as disclosed by Alper et al. and discussed in paragraph 5 of the office action dated October 17, 2005, one of ordinary skill in the art would have been motivated to use cellulosic fibers as the "water absorbent particles" of Pike et al.

Applicant states that "there is no suggestion or motivation in Pike et al. (alone or in combination with Alper et al.) that the described process can be, or why it should be, used to impart a three-dimensional shape to absorbent cellulosic fiber webs." Examiner asserts that such a disclosure is not necessary in Pike et al. Since Pike discloses a method of imparting a three-dimensional shape to an absorbent web, and it is obvious to use the cellulosic fibers of Alper in said absorbent web for the reasons discussed above, then it is obvious to impart three-dimensional shapes to absorbent cellulosic webs.

Applicant states that examiner is incorrect in calling web of Pike et al. absorbent. Examiner addressed this issue above. Applicant further states that "one skilled in the art of absorbent materials and layers for absorbent articles would not be directed or motivated by the cited references to apply the process described in Pike et al. to an airlaid cellulosic fiber web to obtain a molded airlaid cellulosic web, as in Applicants' claimed invention." This argument is

Art Unit: 1733

not commensurate with the scope of applicant's claim, since the claim does not require an *airlaid* cellulosic web.

As to claims 4, 5, and 8, examiner asserts that since claim 1 is obvious over the above cited references for the reasons discussed above, the rejection of claims 4, 5, and 8 stands as presenter in the previous office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

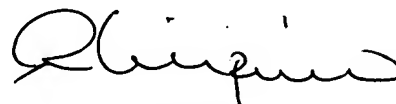
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Christopher T. Schatz** whose telephone number is **571-272-1456**. The examiner can normally be reached on 8:00-5:30, Monday -Friday.

Art Unit: 1733

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher T. Schatz



RICHARD CRISPINO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700